



CLERK, U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF TEXAS

ENTERED

THE DATE OF ENTRY IS ON
THE COURT'S DOCKET

The following constitutes the ruling of the court and has the force and effect therein described.

Signed April 11, 2023

United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

In re:	§	
	§	Case No. 21-41517-ELM
ANSON FINANCIAL, INC.,	§	
	§	Chapter 11
Debtor.	§	
	§	
JOSEPH YAMMINE, Individually and	§	
d/b/a JW Construction,	§	
	§	
Plaintiff,	§	
v.	§	Adversary No. 22-04008
	§	
ANSON FINANCIAL, INC.,	§	
S&F FUNDING, LLC, and	§	
CHANY DEVELOPMENT, INC.,	§	
	§	
Defendants.	§	

ORDER DISMISSING ADVERSARY PROCEEDING WITH PREJUDICE

On February 27, 2023, the Court entered an *Order Granting Defendant's Motion to Enforce Plaintiff's Compliance with the January 12, 2023 Court Order and For Sanctions* [Docket No. 82] (the "**Enforcement Order**"). In the Enforcement Order, the Court ordered that Plaintiff Joseph Yammine ("**Plaintiff**") fully comply with all of the requirements of the Court's *Order Granting Defendant's Motion to Compel Discovery Responses and Required Disclosures from Plaintiff (Re: Docket No. 63)* [Docket No. 67] (the "**Discovery Order**") by March 17, 2023. The Court also

ordered that in the event that Plaintiff fails to fully comply with the Discovery Order by March 17, 2023, the Court may enter an order of dismissal of this adversary proceeding with prejudice.

On March 20, 2023, Defendant Anson Financial, Inc. (“**Defendant**”) filed *Defendant’s Notice of Plaintiff’s Non-Compliance with February 27, 2023 Order (Re: Docket No. 82)* [Docket No. 92] (the “**Non-Compliance Notice**”) to provide notice that “it has not received any discovery responses or communications from Plaintiff in regard to complying with the Court’s February 27, 2023 [Enforcement] Order” and that “Plaintiff has not filed any discovery responses or communications complying with the Court’s February 27, 2023 [Enforcement] Order.” Non-Compliance Notice, ¶¶ 3-4. Consequently, on March 24, 2023, the Court entered an *Order (I) Fixing Deadline for Response to Defendant’s Notice of Plaintiff’s Non-Compliance with Enforcement Order, and (II) Setting Evidentiary Hearing in the Event of Timely Response* [Docket No. 93] (the “**Non-Compliance Notice Order**”) pursuant to which the Court ordered that if Plaintiff disputes any of the assertions set forth within the Non-Compliance Notice, then by no later than April 7, 2023, Plaintiff shall file and serve an objection to the Non-Compliance Notice, specifying which of the assertions within the Non-Compliance Notice are allegedly inaccurate and disputed, and further ordered that in the event of a timely-filed objection, a hearing would be held with respect to Plaintiff’s compliance with the Enforcement Order (or lack thereof) on April 11, 2023, at 1:30 p.m. (prevailing Central Time). On April 7, 2023, Plaintiff filed his “*Objections to Dismiss, and Response to (I) Fixing Deadline for Response to Defendant’s Notice of Plaintiff Non-Compliance with Enforcement Order, an II Setting Evidentiary Hearing in the Event of Timely Response*” [Docket No. 98] (the “**Non-Compliance Notice Response**”).

Based upon the timely filing of the Non-Compliance Notice Response, the Court conducted the April 11, 2023 hearing with respect to Plaintiff’s compliance with the Enforcement Order (or lack thereof). Both the Plaintiff, individually, and the Defendant, by and through counsel, appeared at the hearing. At the conclusion of the hearing, having considered the Discovery Order, the Enforcement Order, the Non-Compliance Notice, the Non-Compliance Notice Order, the Non-Compliance Notice Response, the representations and arguments of or on behalf of the parties, and entire record in this adversary proceeding, for the reasons stated on the record at the hearing, which are incorporated herein by reference, the Court announced that it would enter an order dismissing this adversary proceeding with prejudice as a sanction for the Plaintiff’s failure to comply with the Discovery Order and Enforcement Order.

Accordingly, pursuant to Fed. R. Bankr. P. 7037 and Fed. R. Civ. P. 37(b)(2)(A)(v), it is hereby:

ORDERED, ADJUDGED AND DECREED that this adversary proceeding, Adversary No. 22-04008, and all claims and causes of action asserted by Plaintiff herein, be and are hereby **DISMISSED WITH PREJUDICE**.

END OF ORDER